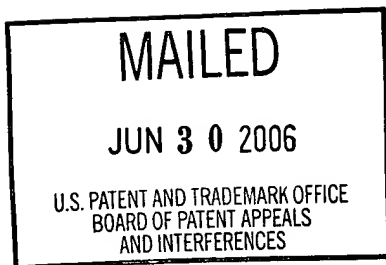


The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte ROBERT W. SISSON and STEVEN J. PAULY



Appeal No. 2006-0087
Application No. 09/220,830

ON BRIEF

Before FRANKFORT, CRAWFORD and LEVY, Administrative Patent Judges.
FRANKFORT, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the examiner's final rejection of claims 1 through 9, all of the claims pending in the application.

Appellants' invention relates to the inspection of a postage metering or value dispensing system for verifying that the system is located at a specific assigned location and entails a system and method for achieving such an inspection. Independent claims 1, 8

and 9 are representative of the subject matter on appeal and a copy of those claims can be found in Appendix A of appellants' brief.

The prior art references relied upon by the examiner in rejecting the appealed claims are:

Taylor	4,812,965	Mar. 14, 1989
Dolan et al (Dolan)	5,731,980	Mar. 24, 1998
Eddy et al (Eddy)	5,812,400	Sep. 22, 1998

Claims 1, 5, 8 and 9 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eddy in view of Taylor.

Claims 2 through 4, 6 and 7 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Eddy in view of Taylor as applied to claim 1 above, and further in view of Dolan.

Rather than attempt to reiterate the examiner's commentary with regard to the above-noted rejections and the conflicting viewpoints advanced by appellants and the examiner regarding those rejections, we make reference to the answer (mailed October 14, 2004) for the examiner's reasoning in support of the rejections, and to appellants' brief (filed August 12, 2004) for the arguments thereagainst.

OPINION

In reaching our decision in this appeal, we have given careful consideration to appellants' specification and claims, to the applied prior art references, and to the respective positions articulated by appellants and the examiner. As a consequence of our review, we have made the determinations which follow.

Looking first to the rejection of claims 1, 5, 8 and 9 under 35 U.S.C. § 103(a) as being unpatentable over Eddy in view of Taylor, we note that Eddy discloses an electronic postage meter installation and location movement system and method that allows remote meter installation and activation at a customer site without the necessity of having a meter manufacturer representative physically transport the postage meter to the customer site and activate it there. Using Eddy's system the postage meter is apparently delivered by regular mail or shipping to the customer's location and is activated by the customer over a communications link established with a remote data center. Such activation involves the user communicating certain identifying information to the remote data center (e.g., a remote meter resetting account number associated with the user and a meter order number, both

assigned by the meter manufacturer at the time the meter is ordered). The information sent by the user is then verified by systems at the remote data center and, if correct, allows the remote data center to communicate enabling data indicative of the physical location of the meter for enabling the meter to operate. Eddy also notes that the communications arrangement allows for "remote inspection" of the metering system integrity and the upload or download of other information relating to meter operations (Column 10, lines 39-46). Column 2, lines 48-57 of Eddy additionally indicate that

"In accordance with still another aspect of the present invention, the data communicated to the value metering device from the data center is stored at the data center. The value metering device is caused to establish subsequent communications with said data center and the value metering device communicating to said data center the physical location data (or other data) stored in the value metering device. The data center determines if said physical location data (or other data) has been correctly stored in said value metering device."

The examiner recognizes (answer, page 4) that Eddy does not specifically disclose verifying that a postage or value dispensing meter is located at a specific location by creating a challenge card having a remote data center generated code therein, sending such a challenge card via a carrier service to the specific location assigned to the particular postage/value dispensing meter,

or retrieving the code from the challenge card for subsequent use in verifying the location of the meter.

To overcome the noted differences and perceived shortcomings in the system and method of Eddy, the examiner turns to Taylor. The Taylor patent discloses remote inspection of postage meters that reduces the need for on site inspection. The examiner specifically directs us to Figure 2 of Taylor, wherein the remote inspection scheme involves generating and sending a post card (47) from a remote data center such as a post office or a postage meter manufacturer (40) to a customer location (48). The post card directs the customer to print a postage indicia on the card using the customer's postage meter (50). The post card is then returned to the remote data center, where it is scanned by an inspection indicia scanner (46) which is programmed to detect "tells" in the printed postage indicia that are indicative of tampering at the user's postage meter (50). If tampering is indicated, that fact is communicated to the central station's computer data base (42) so that an operator can order an on site, physical inspection of the postage meter (50). If no tampering is indicated, that fact is also communicated to the memory of data base (42). See column 3, lines 16-52, of Taylor.

In the obviousness rejection of claims 1, 5, 8 and 9 before us on appeal, the examiner contends that it would have been obvious to one of ordinary skill in the art at the time of appellants' invention "to create and send a challenge card for inspection [of the postage meter in Eddy] for the benefit of cost savings as compared to sending an inspector to the meter" (answer, page 4).

Appellants argue that the prior art relied upon by the examiner fails to provided an adequate teaching, suggestion or motivation for the combination urged by the examiner. More particularly, appellants point out that the meter order number relied upon by the examiner in Eddy as being responsive to the "code" in claims 1, 8 and 9 on appeal would presumably be previously in the possession of the customer and that there would be no need to send such a number by carrier to the customer. Appellants thus contend that there would be no motivation to combine Eddy and Taylor to result in a challenge system and method like that defined in the claims on appeal (brief, page 8). The examiner's response to appellants' arguments is merely to urge that "[i]n this case, the motivation comes from the knowledge of one or [sic, of] ordinary skill in the art" (answer, page 6). A careful review of the Eddy and Taylor patents shows that appellants are

correct in their assessment of the § 103 rejection of claims 1, 5, 8 and 9 on appeal.

Since Eddy already provides a system and method that enables "remote inspection" of the metering system integrity and other data relating to meter system operation (col. 10, lines 39-46), it appears that resort to a post card system like that in Taylor to remotely detect tampering with a customer's postage meter would be unnecessary. Moreover, neither Eddy nor Taylor address the particular problem of whether a postage meter is located at a specific location and clearly do not create a challenge card with a code therein that is sent to the assigned address of a customer/postage meter, which code is entered into the postage metering system by the customer and communicated to the remote data center that originally generated the code so that the sent code can be compared to the original code to verify that the postage meter system is physically located at the specific assigned location. Thus, even if Eddy and Taylor were to be combined, the resulting system and method would not be that specifically claimed by appellants. At best, it appears that the post card scheme of Taylor, when used in Eddy, would result in a redundant check for postage meter tampering.

In light of the foregoing, the rejection of independent claims 1, 8 and 9, and of dependent claim 5 under 35 U.S.C. § 103(a) will not be sustained.

We have also reviewed the patent to Dolan, relied upon by the examiner in the rejection of claims 2 through 4, 6 and 7 under 35 U.S.C. § 103(a) as being unpatentable over Eddy in view of Taylor and Dolan. However, we find nothing in Dolan to overcome or makeup for the deficiencies in the basic combination to Eddy and Taylor noted above. Thus, the examiner's rejection of claims 2 through 4, 6 and 7 under 35 U.S.C. § 103(a) will likewise not be sustained.

REVERSED

MURRIEL E. CRAWFORD
Administrative Patent Judge


STUART S. LEVY
Administrative Patent Judge

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